

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
Writ Petition No. 2470/2007

Moreshwar Narayanrao Mahalle ..vs.. Agriculture Produce Market Committee,
 Ner and another

 Office Notes, Office Memoranda of
 Coram, appearances, Court's Orders or
 directions and Registrar's orders.

Court's or Judge's Orders

CORAM: R. V. MORE, J.
DATED : 3rd March, 2008

1. Heard.
2. The petition takes exception to the order of the Presiding Officer Labour Court, Yavatmal, whereby the reference is answered in the Negative, however, respondent No. 1 is directed to engage the petitioner on work in a season whenever work is available and that too by giving preference according to the seniority list.
3. The proceeding before the Labour Court arises out of reference under Clause (c) of Sub Section 1 of Section 10 read with Sub Section 5 of Section 12 of the Industrial Disputes Act. The contention of the petitioner to the effect that he was working with respondent No. 1 since 17.12.1997 as Clerk and was paid wages on daily rate

basis. He was continued in the employment till 29.04.1999 and, thereafter, his services were terminated with effect from 30.04.1999 illegally. The Labour Court relied upon the admission of the petitioner himself given in his evidence that he was seasonal employee and, thereafter, applied ratio of the decision of the Hon'ble Supreme Court in **Morinda Cooperative Sugar Mills Ltd. ..vs.. Ram Kisan & Ors; 1996 I CLR 17** to arrive at the conclusion that there cannot be any retrenchment of the seasonal employee though he may have worked for more than 240 days in a year.

The Labour Court has, according to me, dealt with the matter correctly. I find no reason to interfere in the impugned order while exercising my jurisdiction under Article 226 and 227 of the Constitution of India. The writ petition is, therefore, dismissed with no order as to costs.

JUDGE

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